

United States District Court
Northern District of California

PATRICK D. ROBBINS (CABN 152288)
Acting United States Attorney
PAMELA T. JOHANN (CABN 145558)
Chief, Civil Division
KELSEY J. HELLAND (CABN 298888)
Assistant United States Attorney
U.S. ATTORNEY'S OFFICE
450 Golden Gate Avenue, Box 36055
San Francisco, California 94102-3495

ERIC J. HAMILTON
Deputy Assistant Attorney General
DIANE KELLEHER
Branch Director

CHRISTOPHER HALL
Assistant Branch Director

JAMES D. TODD, JR.
Senior Trial Counsel
YURI S. FUCHS
GREGORY CONNER
Trial Attorneys
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, DC 20044

Counsel for Defendants

(Counsel for other parties listed on signature page)

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES, *et al.*

Plaintiffs,

v.

UNITED STATES OFFICE OF PERSONNEL
MANAGEMENT, *et al.*,

Defendants.

Case No. 3:25-cv-1780-WHA

**STIPULATION AND [PROPOSED]
ORDER TO AMEND SCHEDULING
ORDER**

Pursuant to Civil Local Rules 6-2 and 7-12, the parties hereby stipulate and respectfully request that the Court amend this Court's Scheduling Order to reset the briefing schedule on the adequacy of the administrative record and the briefing schedule for the parties' cross motions for summary judgment. In support of this stipulation, the parties state as follows:

1. On April 22, 2025, this Court entered a scheduling order providing for Defendants to submit the administrative record by May 9, 2025, 12:00pm, and for both parties to file simultaneous summary judgment motions by June 5, 2025, 12:00pm, with oppositions to those motions to be due 14 days later, and replies seven days after that. *See* Scheduling Order, ECF No. 204.

2. The Scheduling Order also directed the parties to "use their summary judgment motions to address anew the extent to which review should be limited to the 'administrative record,' whether the 'administrative record' submitted is complete, and whether there should be a pause in briefing to address those deficiencies." *Id.*

3. On April 25 and 28, 2025, the parties met and conferred regarding the Scheduling Order. In order to conserve the parties' resources and to promote judicial economy, the parties stipulate to a revised briefing schedule to address the adequacy of the administrative record and for the parties' cross motions for summary judgment.

4. With respect to the administrative record, the parties stipulate to the following schedule:

- a. Defendants will file the administrative record no later than May 9, 2025;
- b. Plaintiffs will file any motion on the adequacy of administrative record no later than June 5, 2025;
- c. Defendants will file a response to any such motion no later than July 3, 2025;¹
- d. Plaintiffs will file a reply in support of any motion no later than July 21, 2025.

The parties request this Court to resolve any motion on the adequacy of administrative

¹ Defendants will need this additional time to respond to Plaintiffs' motion to accommodate the approved annual leave plans of Defendants' counsel for June 3–19, 2025.

1 record before the parties engage in summary judgment briefing on a staggered briefing schedule
2 similar to what is set out below.

3 5. If Plaintiffs do not challenge the adequacy of the administrative record, the parties
4 stipulate to the following staggered schedule for summary judgment briefing:

- 5 a. Plaintiffs will file their summary judgment motion no later than June 5, 2025;
- 6 b. Defendants will file a combined opposition and cross-motion for summary
7 judgment and opposition no later than July 3, 2025;²
- 8 c. Plaintiffs will file a combined opposition and reply no later than July 24, 2025; and
- 9 d. Defendants will file a reply no later than August 12, 2025.

10 6. In light of the nature of this action and the current procedural posture of this case,
11 the parties additionally stipulate to stay Defendants' Answer to Plaintiff's Second Amended
12 Complaint until after this Court rules on the parties' respective motions for summary judgment,
13 with that stay lifted in the event that the Court denies both summary judgment motions. In the
14 event that this Court denies both summary judgment motions, Defendants will file their Answer
15 Plaintiffs' Second Amended Complaint 30 days after any such decision. *Accord* Fed. R. Civ. P.
16 15(a)(3).

17 CONCLUSION

18 For good cause shown, the parties respectfully request that this Court enter the parties'
19 stipulation to amend the Scheduling Order.

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² *See supra*, n.1.

DATED: May 1, 2025

Respectfully Submitted,

s/ Danielle E. Leonard

Scott A. Kronland (SBN 171693)
Stacey M. Leyton (SBN 203827)
Eileen B. Goldsmith (SBN 218029)
Danielle E. Leonard (SBN 218201)
James Baltzer (SBN 332232)
Robin S. Tholin (SBN 344845)
ALTSHULER BERZON LLP
177 Post Street, Suite 300
San Francisco, CA 94108

Norman L. Eisen (*pro hac vice*)
Pooja Chadhuri (SBN 314847)
STATE DEMOCRACY DEFENDERS
FUND
600 Pennsylvania Avenue SE #15180
Washington, DC 20003

Attorneys for Plaintiff Organizations

s/ Rushab Sanghvi

Rushab Sanghvi (SBN 302809)
AMERICAN FEDERATION OF
GOVERNMENT EMPLOYEES
80 F Street, NW
Washington, DC 20001

*Attorney for Plaintiff American Federation of
Government Employees*

s/ Teague Paterson

Teague Paterson (SBN 226659)
Matthew Blumin (*pro hac vice*)
AMERICAN FEDERATION OF STATE,
COUNTY, AND MUNICIPAL
EMPLOYEES
1625 L Street, N.W.
Washington, D.C. 20036

*Attorneys for Plaintiff American Federation
of State County and Municipal Employees*

s/ Tera M. Heintz

Tera M. Heintz (SBN 241414)
Cristina Sepe (SBN 308023)
Cynthia Alexander, WA Bar No. 46019 (*pro
hac vice*)
Deputy Solicitors General
OFFICE OF THE WASHINGTON STATE
ATTORNEY GENERAL
800 Fifth Avenue, Suite 2000
Seattle, WA 98104

Attorneys for Plaintiff State of Washington

PATRICK D. ROBBINS (CABN 152288)
Acting United States Attorney
PAMELA T. JOHANN (CABN 145558)
Chief, Civil Division
KELSEY J. HELLAND (CABN 298888)
Assistant United States Attorney
U.S. ATTORNEY'S OFFICE
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ERIC J. HAMILTON
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Branch Director
CHRISTOPHER HALL
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s/ Yuri S. Fuchs

JAMES D. TODD, JR.
Senior Trial Counsel
YURI S. FUCHS
GREGORY CONNER
Trial Attorneys
U.S. DEPARTMENT OF JUSTICE
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, DC 20044

Counsel for Defendants

[PROPOSED] ORDER

Pursuant to stipulation, IT IS SO ORDERED.

DATED:

HON. WILLIAM H. ALSUP
United States District Judge